



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,800	01/10/2002	Kamalendu Biswas	OR01-15901	9085

22835 7590 02/10/2005

A. RICHARD PARK, REG. NO. 41241  
PARK, VAUGHAN & FLEMING LLP  
2820 FIFTH STREET  
DAVIS, CA 95616

EXAMINER

COFFY, EMMANUEL

ART UNIT PAPER NUMBER

2157

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/043,800	<b>Applicant(s)</b> BISWAS ET AL.	
	<b>Examiner</b> Emmanuel Coffy	<b>Art Unit</b> 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) 2-4, 10-12 and 18-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to the application filed on 10 January 2002. Claims 1-24 are pending. Claims 1-24 are directed to a method, software, and apparatus to "Facilitate Individual & Global Lockouts to network Applications."

### ***Priority***

2. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 109(e) or 120 as follows:

The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application); the disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

### **Claim Objections**

3. Claims 2, 3, 4, 10, 11, 12, 18, 19, and 20 are objected to because of the following minor informalities. In above claims, a colon (:) should follow the transitional phrase "comprising." Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 9-13, and 17-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Rowland (US 6,405,318) in view of Ruvolo (US 5,928,363.)

Rowland teaches the invention substantially as claimed including a computer implemented intrusion detection system and method that monitors a computer system in real-time for activity indicative of attempted or actual access by unauthorized persons or computers. (See abstract).

Claims 1, 9, 17:

As for above claims Rowland teaches a method, a computer-readable storage medium and apparatus to facilitate locking an adversary out of a network application, comprising: (See Fig. 3)

receiving at a server a request, including an authentication credential, to access the network application, wherein the authentication credential includes a user identifier associated with a user and a network address of a user device;

examining an audit log to determine if the user identifier has been locked out from the network address; and (See col. 4, lines 15-25.)

if the user identifier has been locked out from the network address,

denying access to the network application; (See col. 7, lines 32-37.)

otherwise, checking the authentication credential for validity, and

if the authentication credential is valid, (See col. 8, lines 52-60.)  
allowing access to the network application,  
otherwise,  
logging a failed attempt in the audit log, wherein the  
user identifier is locked out from the network address after  
a threshold number of failed attempts, and (See col. 7, lines 37-40.)  
denying access to the network application; (See col.8, line 1.)  
whereby the adversary is prevented from accomplishing an attack by  
masquerading as the user.

Rowland does not specifically address receiving at a server a request, including  
an authentication credential, to access the network application. However, Ruvolo  
discloses a client establishing a first session with an application executing on a server.  
(See col. 4, lines 31-34, 57-60.)

Hence, it would have been obvious at the time of the invention for an artisan of  
ordinary skill in the art to combine the intrusion detection system taught by Rowland  
with receiving at a server a request as taught by Ruvolo preventing an unauthorized  
user from gaining access by locking said user from the system.

Claims 2, 10, 18

As for above claims Rowland teaches the method of claim 1, the computer-  
readable storage medium of claim 9, the apparatus of claim 17 further comprising  
imposing:

a global lockout for the user identifier after a threshold number of network  
addresses are locked out for the user identifier. (See col. 7, lines 37-40; col. 8, line 1.)

Rowland does not specifically address a threshold number. However, Ruvolo discloses this concept of the user persisting more than a predetermined number of times (threshold). (See col. 5, lines 5-8.)

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the intrusion detection system taught by Rowland with a predetermined number of times as taught by Ruvolo preventing an unauthorized user from gaining access by globally locking out said user.

Claims 3, 11, 19

As for above claims Rowland teaches the method of claim 2, the computer-readable storage medium of claim 10, the apparatus of claim 18 further comprising: removing a lockout after a predetermined period of time.

Rowland does not specifically address removing a lockout after a predetermined period of time. However, Ruvolo discloses reauthentication process at the "End of Authenticated Session" which implies that the lockout is constructively removed after a predetermined period of time. (See col. 8, lines 5-28.)

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the intrusion detection system taught by Rowland with the reauthentication process as taught by Ruvolo trapping an unauthorized user by lulling the persistent user into an extended session.

Claims 4, 12, 20

As for above claims Rowland teaches the method of claim 2, the computer-readable storage medium of claim 10, the apparatus of claim 18 further comprising: manually removing a lockout by an administrator of the server.

Rowland teaches that the system administrator may also select the actions to be taken by the control function. (See col. 8, lines 32-33.)

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to manually remove the lockout as taught by Rowland.

Claims 5, 13, 21

As for above claims Rowland teaches the method of claim 1, the computer-readable storage medium of claim 9, the apparatus of claim 17 wherein the authentication credential includes a user name and a password.

Rowland does not specifically address the authentication credential to include a user name and a password. However, Ruvolo expressly discloses authentication credential to include a user name and a password. (See col. 7, lines 32-36.)

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the intrusion detection system taught by Rowland with the authentication credential as taught by Ruvolo providing security to the system by allowing access only to authenticated users.

5. Claims 6, 14, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowland as applied to claims 5, 13 and 21 above, in view of Limisco (U.S. 6,662,228).

As for above claims Rowland teaches the method of claim 5, the computer-readable storage medium of claim 13, the apparatus of claim 21 wherein checking the authentication credential for validity involves:

verifying that an administrator has authorized access to the network application for a combination of the user name and the password; and

determining if the request violates an access rule in a rule table.

Rowland does not specifically address verifying whether an administrator has authorized access. However, Limisco expressly discloses verification of authorized access for an administrator. (See col. 6, lines 28-37 and col. 3, lines 23-32.)

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the intrusion detection system taught by Rowland with the administrator's verification system as taught by Limisco allowing the system to be administered since user accounts must be created and manipulated.

6. Claims 7-8, 15-16, and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowland as applied to claims 6, 14 and 22 above, in view of See et al. (U.S. 6,339,830).

Claims 7, 15, 23

As for above claims Rowland teaches the method of claim 6, the computer-readable storage medium of claim 14, the apparatus of claim 22 wherein wherein the access rule can specify:

an allowed time-of-day;

an allowed number of access attempts;

an allowed network address; and

an allowed network domain. (See col. 6, line 35.)

Rowland implicitly encompasses network domain. (See col. 6, line 35.) Rowland does not explicitly disclose allowed number of access attempts nor does it expressly



teach allowed network address. However, See pointedly teaches these limitations at col. 6, lines 44-56.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the intrusion detection system taught by Rowland with the authentication service taught by See allowing the system to be thorough by providing different parameters to check the authentication credential for validity.

Claims 8, 16, 24

As for above claims Rowland teaches the method of claim 1, the computer-readable storage medium of claim 9, the apparatus of claim 17 wherein the network address includes Internet Protocol address.

Rowland does not explicitly disclose Internet Protocol address. However, See pointedly teaches Internet Protocol address at col. 8, lines 1-2.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the intrusion detection system taught by Rowland with the authentication service taught by See allowing the system to be encompassing by reaching through the Internet.

**Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Coffy whose telephone number is (571) 272-3997. The examiner can normally be reached on 8:30 - 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-3997. The fax phone number for

Art Unit: 2157

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you


have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

Emmanuel Coffy, Esq.  
Patent Examiner  
Art Unit 2157

\*\*\*

EC  
Feb 2, 2005

  
ARID ETIENNE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100